

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

STRIKE 3 HOLDINGS, LLC,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
JOHN DOE subscriber assigned IP address	:	Civ. No. 1:21-cv-03316
24.13.69.252,	:	
	:	JURY TRIAL DEMANDED
	:	
Defendant.	:	
	:	
	:	

**COMPLAINT-ACTION FOR DAMAGES FOR
PROPERTY RIGHTS INFRINGEMENT**

Plaintiff, Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”), brings this complaint against Defendant, John Doe subscriber assigned IP address 24.13.69.252 (“Defendant”), and alleges as follows:

Introduction

1. This is a case about the ongoing and wholesale copyright infringement of Plaintiff’s motion pictures by Defendant, currently known only by an IP address.
2. Plaintiff is the owner of award-winning, critically acclaimed adult motion pictures.
3. Strike 3’s motion pictures are distributed through the *Blacked*, *Tushy*, *Vixen*, and *Blacked Raw* adult websites and DVDs. With millions of unique visitors to its websites each month, the brands are famous for redefining adult content, creating high-end, artistic and performer-inspiring motion pictures produced with a Hollywood style budget and quality.
4. Defendant is, in a word, stealing these works on a grand scale. Using the BitTorrent protocol, Defendant is committing rampant and wholesale copyright infringement by

downloading Strike 3’s motion pictures as well as distributing them to others. Defendant did not infringe just one or two of Strike 3’s motion pictures, but has been recorded infringing 36 movies over an extended period of time.

5. Although Defendant attempted to hide this theft by infringing Plaintiff’s content anonymously, Defendant’s Internet Service Provider (“ISP”), Comcast Cable, can identify Defendant through his or her IP address 24.13.69.252.

6. This is a civil action seeking damages under the United States Copyright Act of 1976, *as amended*, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”).

Jurisdiction and Venue

7. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (jurisdiction over copyright actions).

8. This Court has personal jurisdiction over Defendant because Defendant used an Internet Protocol address (“IP address”) traced to a physical address located within this District to commit copyright infringement. Therefore: (i) Defendant committed the tortious conduct alleged in this Complaint in this State; (ii) Defendant resides in this State and/or; (iii) Defendant has engaged in substantial – and not isolated – business activity in this State.

9. Plaintiff used IP address geolocation technology by Maxmind Inc. (“Maxmind”), an industry-leading provider of IP address intelligence and online fraud detection tools, to determine that Defendant’s IP address traced to a physical address in this District. Over 5,000 companies, along with United States federal and state law enforcement, use Maxmind’s GeoIP data to locate Internet visitors, perform analytics, enforce digital rights, and efficiently route Internet traffic.

10. Pursuant to 28 U.S.C. § 1391(b) and (c), venue is proper in this District because: (i) a substantial part of the events or omissions giving rise to the claims occurred in this District; and, (ii) the Defendant resides (and therefore can be found) in this District and resides in this State. Additionally, venue is proper in this District pursuant 28 U.S.C. § 1400(a) (venue for copyright cases) because Defendant or Defendant's agent resides or may be found in this District.

Parties

11. Plaintiff, Strike 3 is a Delaware limited liability company located at 2140 S. Dupont Hwy, Camden, DE.

12. Plaintiff currently can only identify Defendant by his or her IP address. Defendant's IP address is 24.13.69.252. Defendant's name and address can be provided by Defendant's Internet Service Provider.

Factual Background

Plaintiff's Award-Winning Copyrights

13. Strike 3's subscription-based websites proudly boast a paid subscriber base that is one of the highest of any adult-content sites in the world. Strike 3 also licenses its motion pictures to popular broadcasters and Strike 3's motion pictures are the number one selling adult DVDs in the United States.

14. Strike 3's motion pictures and websites have won numerous awards, such as "best cinematography," "best new studio," and "adult site of the year."

15. Strike 3's motion pictures have had positive global impact, leading more adult studios to invest in better content, higher pay for performers, and to treat each performer with respect and like an artist.

16. Unfortunately, Strike 3, like a large number of other makers of motion picture and television works, has a major problem with Internet piracy. Often appearing among the most infringed popular entertainment content on torrent websites, Strike 3's motion pictures are among the most pirated content in the world.

Defendant Used the BitTorrent File Distribution Network to Infringe Plaintiff's Copyrights

17. BitTorrent is a system designed to quickly distribute large files over the Internet. Instead of downloading a file, such as a movie, from a single source, BitTorrent users are able to connect to the computers of other BitTorrent users in order to simultaneously download and upload pieces of the file from and to other users.

18. BitTorrent's popularity stems from the ability of users to directly interact with each other to distribute a large file without creating a heavy load on any individual source computer and/or network. It enables Plaintiff's motion pictures, which are often filmed in state of the art 4kHD, to be transferred quickly and efficiently.

19. To share a movie within the BitTorrent network, a user first uses BitTorrent software to create a .torrent file from the original digital media file. This process breaks the original digital media file down into numerous pieces.

20. The entire movie file being shared has a hash value (*i.e.*, the "File Hash"). A hash value is an alpha-numeric value of a fixed length that uniquely identifies data.

21. Hash values are not arbitrarily assigned to data merely for identification purposes, but rather are the product of a cryptographic algorithm applied to the data itself. As such, while two identical sets of data will produce the same cryptographic hash value, any change to the underlying data – no matter how small – will change the cryptographic hash value that correlates to it.

22. To find and re-assemble the pieces of the digital media file, *i.e.*, to download the file using BitTorrent, a user must obtain the .torrent file for the specific file that has been broken down into pieces.

23. Each .torrent file contains important metadata with respect to the pieces of the file. When this data is put into the cryptographic algorithm, it results in a hash value called the “Info Hash.”

24. The “Info Hash” is the data that the BitTorrent protocol uses to identify and locate the other pieces of the desired file (in this case, the desired file is the respective file for the infringing motion pictures that are the subject of this action) across the BitTorrent network.

25. Using the Info Hash in the metadata of a .torrent file, a user may collect all the pieces of the digital media file that correlates with the specific .torrent file.

26. Once a user downloads all of the pieces of that digital media file from other BitTorrent users, the digital media file is automatically reassembled into its original form, ready for playing.

27. Plaintiff has developed, owns, and operates an infringement detection system, named “VXN Scan.”

28. Using VXN Scan, Plaintiff discovered that Defendant used the BitTorrent file network to illegally download and distribute Plaintiff’s copyrighted motion pictures.

29. To explain, while Defendant was using the BitTorrent file distribution network, VXN Scan established direct TCP/IP connections with Defendant’s IP address.

30. VXN Scan downloaded from Defendant one or more pieces of numerous digital media files.

31. Plaintiff identified these pieces as portions of infringing copies of Strike 3’s

motion pictures.

32. To explain, the VXN Scan system first searched for and obtained .torrent files claiming to be infringing copies of Plaintiff's works, and then downloaded complete copies of the digital media files that correlate to those .torrent files.

33. Plaintiff then compared the completed digital media files to Plaintiff's copyrighted works to determine whether they are infringing copies of one of Plaintiff's copyrighted works.

34. The digital media files have been verified to contain a digital copy of a motion picture that is identical (or, alternatively, strikingly similar or substantially similar) to Plaintiff's corresponding original copyrighted Works.

35. VXN Scan then used the "Info Hash" value, contained within the metadata of the .torrent file correlated with a digital media file that was determined to be identical (or substantially similar) to a copyrighted work, to download a piece (or pieces) of the same digital media file from Defendant using the BitTorrent network.

36. At no point did VXN Scan upload content to any BitTorrent user. Indeed, it is incapable of doing so.

37. The VXN Scan captured transactions from Defendant sharing specific pieces of 36 digital media files that have been determined to be identical (or substantially similar) to a copyrighted work(s) that Plaintiff owns.

38. VXN Scan recorded each transaction in a PCAP file.

39. VXN Scan recorded multiple transactions in this matter.

40. For each work infringed a single transaction is listed on Exhibit A.

41. For each transaction listed, Exhibit A sets forth the Universal Time Coordinated

(UTC) time and date of each transaction, along with (1) the Info Hash value obtained from the metadata of the corresponding .torrent file that formed the basis of the VZN Scan's request for data, and (2) the File Hash value of the digital media file itself.

42. Exhibit A also sets forth relevant copyright information for each work at issue: the date of publication, the date of registration, and the work's copyright registration number. In a showing of good faith, Plaintiff has intentionally omitted the title of the work from this public filing due to the adult nature of its content, but can provide a version of Exhibit A containing the works' titles to the Court or any party upon request.

43. Thus, Defendant downloaded, copied, and distributed Plaintiff's Works without authorization.

44. Defendant's infringement was continuous and ongoing.

45. Plaintiff owns the copyrights to the Works and the Works have been registered with the United States Copyright Office.

46. Plaintiff seeks statutory damages, attorneys' fees, and costs under 17 U.S.C. § 501 of the United States Copyright Act.

COUNT I

Direct Copyright Infringement

47. The allegations contained in paragraphs 1-46 are hereby re-alleged as if fully set forth herein.

48. Plaintiff is the owner of the Works, which is an original work of authorship.

49. Defendant copied and distributed the constituent elements of Plaintiff's Works using the BitTorrent protocol.

50. At no point in time did Plaintiff authorize, permit or consent to Defendant's

distribution of its Works, expressly or otherwise.

51. As a result of the foregoing, Defendant violated Plaintiff's exclusive right to:

- (A) Reproduce its Works in copies, in violation of 17 U.S.C. §§ 106(1) and 501;
- (B) Distribute copies of the Works to the public by sale or other transfer of ownership, or by rental, lease or lending, in violation of 17 U.S.C. §§ 106(3) and 501;
- (C) Perform the copyrighted Works, in violation of 17 U.S.C. §§ 106(4) and 501, by showing the Works' images in any sequence and/or by making the sounds accompanying the Works' audible and transmitting said performance of the work, by means of a device or process, to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definitions of "perform" and "publicly" perform); and
- (D) Display the copyrighted Works, in violation of 17 U.S.C. §§ 106(5) and 501, by showing individual images of the works non-sequentially and transmitting said display of the works by means of a device or process to members of the public capable of receiving the display (as set forth in 17 U.S.C. § 101's definition of "publicly" display).

52. Defendant's infringements were committed "willfully" within the meaning of 17 U.S.C. § 504(c)(2).

WHEREFORE, Plaintiff respectfully requests that the Court:

- (A) Permanently enjoin Defendant from continuing to infringe Plaintiff's copyrighted Works;
- (B) Order that Defendant delete and permanently remove the digital media files relating to Plaintiff's Works from each of the computers under Defendant's possession, custody or control;
- (C) Order that Defendant delete and permanently remove the infringing copies of the

Works Defendant has on computers under Defendant's possession, custody or control;

- (D) Award Plaintiff statutory damages per infringed work pursuant to 17 U.S.C. § 504(a) and (c);
- (E) Award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and
- (F) Grant Plaintiff any other and further relief this Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable.

Dated: June 21, 2021

Respectfully submitted,

CLARK HILL PLC

By: /s/ Samuel J. Tallman
Samuel J. Tallman, Esq. (6322843)
stallman@clarkhill.com
130 East Randolph Street, Suite 3900
Chicago, IL 60601
Tel: (312) 517-7515 | Fax: (312) 985-5542
www.clarkhill.com

EXHIBIT A

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Exhibit A to the Complaint

Location: Park Ridge, IL

Total Works Infringed: 36

IP Address: 24.13.69.252

ISP: Comcast Cable

Work	Hashes	UTC	Site	Published	Registered	Registration
1	Info Hash: 32E09D6A5978F499397CCFFAB8C889951CF3BF94 File Hash: EADF62816A0B33E9DCC505156847A93771275B747B14A6DBC5154D2ED41A2C04	06-04-2021 03:38:59	Blacked	05-01-2021	06-09-2021	PA0002295604
2	Info Hash: D12A07257FE12064F7F7BECE5EAEBE4E3C1F243A File Hash: 1C9AF7265A329E592917644F5C0B04F297958FD8B33EABF8CE838524C95A25DD	06-01-2021 03:57:16	Vixen	12-25-2020	02-02-2021	PA0002280511
3	Info Hash: 6A0E4F47E6B770D53A96234596721B9EB309ABC5 File Hash: 7C515B5F023A5BB71D35A3A323BAC5736B51C521139A3189D8D070EAF8E0997A	06-01-2021 03:56:01	Blacked	07-25-2020	08-11-2020	PA0002252256
4	Info Hash: 79F50E3960CFE36B1F1E044B22220097AA1DFEF File Hash: 65513133DE6896A6FF1FF80BF1E9FF0B73CC9F7CEDE904744AC67802B05CF59C	06-01-2021 03:44:11	Tushy	04-11-2021	04-27-2021	PA0002288948
5	Info Hash: B91028F8FF97039F1DAFE23A651DD879FECDF3FD File Hash: CB9112CB07BAF880B77458D88729F588795B7810DF571C7442A04A4BE49F5EB3	06-01-2021 00:10:38	Blacked	01-16-2021	02-09-2021	PA0002276150
6	Info Hash: 66882F76290D2AB7DD93C95E6BFA4DE73EB4E64F File Hash: 6835C1A6441FBAE9898A2B11A27114883EBE7CBE0E452062F4A71AF10D9029D	05-15-2021 00:08:08	Tushy	06-15-2017	07-07-2017	PA0002070815
7	Info Hash: 766E1C71FF552FF186850DD63CC9ECC58D923874 File Hash: 94A15DB252E3314B361CF8CB9EED99A5F740F31889D0713F562DD49D1050B59C	05-14-2021 23:59:38	Tushy	09-03-2017	09-15-2017	PA0002052851
8	Info Hash: 039D06E54A133AD9A1EA93E717F6EBD5F8350EF4 File Hash: 26A40582EC5A7DF639F1DFC38449BA3E544ED1F28C8A0068646D196572E3019B	05-10-2021 03:15:49	Vixen	04-23-2021	04-27-2021	PA0002288949

Work	Hashes	UTC	Site	Published	Registered	Registration
9	Info Hash: 2F37046EC89B3AD7ED74C2940723618BFD1A4721 File Hash: C514F2BD32C577857F7DEA85236C8A90631675FE708B73405AB2480024C50E85	05-10-2021 00:53:15	Tushy	08-14-2017	08-17-2017	PA0002048391
10	Info Hash: 01CC874EEB1A3F109F1331F296881481C049C1BC File Hash: 317780DD02B7F71213A1F399309D732F9D81F4221C301A2BBA1228F6565D807D	05-05-2021 01:58:00	Blacked	04-17-2021	06-09-2021	PA0002295585
11	Info Hash: 6B5DBF8E7FFAF45AEB6590606AF2FB46BA393C5E File Hash: 1EDF15160D8A4002BC7C62E39C1C32AD3473AF8D0E72C4A165127C67F1DFA822	04-26-2021 23:43:39	Tushy	02-28-2021	03-22-2021	PA0002282501
12	Info Hash: 98D47117A72654E4883F786941BDFC562FBE560C File Hash: 6B5735782244AF4806220390B897633BD191816EC0BFCAA7506BF9BF851E8DB8	04-17-2021 14:14:01	Blacked	04-03-2021	04-14-2021	PA0002286725
13	Info Hash: 29080348D67D4520FB2C9CCFD74735BA94B8638B File Hash: 5D8F612B4054838868FD5D92942F25A2F7315107BB3AF70DC7E661A01EF24388	04-17-2021 14:06:54	Blacked	03-13-2021	03-22-2021	PA0002282509
14	Info Hash: FE912DCFF8786E4124371B367C376E907ABEFE15 File Hash: 4AD3F4DB1F650EC99DB7D84A29A985768E2479329EB849D55A9C80DA74175B63	04-17-2021 14:04:00	Blacked Raw	03-29-2021	04-14-2021	PA0002286726
15	Info Hash: 143ED56E751B662F727B52D79C441FBCC16BB177 File Hash: 6E468AF507E2B8CA74CF0E8AB4CC91C10A7F4D5FFA43B66EE393ED88FB48F9FD	04-14-2021 20:29:55	Blacked	12-20-2018	02-02-2019	PA0002154970
16	Info Hash: C2CD33294A80E9042A3D6D2FC6C52861821EFA18 File Hash: D8C1F32807E495498B649867E55C81729FF4F5A3284A8C2BFD14FC74A8412322	04-04-2021 04:28:49	Blacked Raw	07-16-2018	09-01-2018	PA0002119681
17	Info Hash: 06A0AA871C38B22364679C407392C4C580DAB699 File Hash: BBABE80AF46824ECA3F01EE91139B5E4238FFE00A0775AA9BC1734986235CAA	04-04-2021 02:56:58	Vixen	05-19-2018	07-14-2018	PA0002128156

Work	Hashes	UTC	Site	Published	Registered	Registration
18	Info Hash: F01900AFFE4FF6DEB6036AAABBE346CED65F7096 File Hash: 55C56E6313B724F1A13843E56871A27967BB151ADF83A4C0BFBCB68F08157032	02-09-2021 04:31:49	Blacked Raw	11-16-2020	11-30-2020	PA0002266360
19	Info Hash: 4EFB065D3B9E7A5DA5369BF70FADF3B1192119D6 File Hash: 2C29429773BBA5F4ADC6F4E543FE1A698556776657914B00438BBC30FBB29340	01-31-2021 01:06:00	Blacked	12-05-2020	01-04-2021	PA0002277031
20	Info Hash: 4403352121D56924807F7F9DF7A14C44DEA072DF File Hash: FEF9647417291DD6DA1D0E86E29C9FC98054962C129CAD5C2CA376AF27FCA7DF	01-01-2021 23:29:41	Vixen	11-20-2020	11-30-2020	PA0002266357
21	Info Hash: 01A440847097B025DE6EEAB45B97D3C5C922685D File Hash: 2AABAC567A3205D2DC8D2E043F82610BA6E6DDB4C0F0B85FE040D3E250F9ADC3	12-03-2020 03:03:43	Tushy	11-01-2020	11-18-2020	PA0002272627
22	Info Hash: E94C6C84F8CB699DC6A5BEAF48D1409C03D3A09A File Hash: EED64CB65161A021598703F22CDCA5D24EA9C70C1B9F038BAFD55B5271A7786E	11-28-2020 18:43:20	Vixen	11-27-2020	11-30-2020	PA0002266359
23	Info Hash: 976324666E71A36AD5A57C4A0425611DE9DC22F9 File Hash: DA140D57E0BF2003E13499E9F4F2B4677CAA61568F933B95157A809F4546F2CB	11-22-2020 03:42:14	Vixen	03-15-2019	04-08-2019	PA0002164872
24	Info Hash: 4BC88CE75F516411A03F0D4908F70299E6EA5B8F File Hash: 113D6680B4E1CA5B0C7C2750EED2410FCAC42C43DBE8EDEB56D2D2FC4B3BA8DE	11-22-2020 03:25:32	Blacked Raw	02-13-2020	03-18-2020	PA0002241447
25	Info Hash: COAF0E461A6C6EDA52D70A44F8B3685FD1ABCFA3 File Hash: DA0F0B1398F9753A117A7C5B67BA05DA19F6143BA7693248719E9A72AB45F489	11-14-2020 00:00:14	Vixen	08-02-2018	09-01-2018	PA0002119574
26	Info Hash: 45BD7EB6EC3A335403A10A66A52919DBE8FD0208 File Hash: 47593DA825F7E009DDDAFC9CE9441BCF2700161C4B34D88DAB2AD0E59273C81B	11-04-2020 15:15:33	Blacked	02-14-2020	03-18-2020	PA0002241448

Work	Hashes	UTC	Site	Published	Registered	Registration
27	Info Hash: AA4E7F1D2EB7E81F78A5DA7811E1A2AE67EF4C6D File Hash: A53AE027BFF6811943135C73BA9D92C172E7625C5C40075D1FB5C2E3E81F8F38	11-04-2020 15:09:30	Blacked	03-26-2019	04-16-2019	PA0002187002
28	Info Hash: 44879CA5156C6B94FAB93A6D4FD160ABB8689D82 File Hash: 8813814E8DF5A47074C41B0A60494F957BB41B4C3FE7226DA5AE46719DE78A69	11-04-2020 03:03:57	Blacked Raw	08-24-2020	09-05-2020	PA0002255474
29	Info Hash: BEF0D2E7B96DDC060FA0F61AB59A5985525115B5 File Hash: B67B097F801EEA65584A38F8DCE91095187EC713948B4F65B62B25346C690CAF	11-04-2020 03:01:22	Vixen	07-31-2020	08-11-2020	PA0002252260
30	Info Hash: C5BA5E243166DB830E399E8739882FEE8D0A6D84 File Hash: F85FA20EA3D5DCE116E2BACDD4D186DACBDD85D3AB44C27B658DBBC0819C4B71	11-01-2020 05:17:24	Vixen	10-11-2019	10-21-2019	PA0002207779
31	Info Hash: 3B6198833B8CF16DAE7D8E122C3AD5AD62507AAD File Hash: D1F3EF62AA81DCC45B49CE454C8E234C6C5668D49212ACF906FAAFCE9AE72D1B	11-01-2020 05:16:48	Vixen	09-18-2020	09-29-2020	PA0002258680
32	Info Hash: 979CD4F798E6D0277F211C43B2DEAD821781AAB7 File Hash: E4EF4298821183831E08081314D570BF54150A02DA0ADFFD61F03A99A9653C34	11-01-2020 05:15:38	Blacked	09-05-2020	09-29-2020	PA0002258686
33	Info Hash: 30C2E5EEEBDF45D9C83127199FE070EEB091A96C File Hash: 363C657260C54421DB941EE3B5764CF3DD8788F6570BF153BC16E19E0081CDC7	11-01-2020 05:15:32	Blacked Raw	10-19-2020	11-05-2020	PA0002263389
34	Info Hash: FB6D45F0A6BD5E28A418EF8AC262EC06C6D4A40B File Hash: EE6802769054BFB182B32EB472AE2616FD92D062D9A3A75A2EB5D4BA1B2F0661	11-01-2020 05:14:32	Blacked	10-31-2020	11-24-2020	PA0002265967
35	Info Hash: 37843E981F023C4F8A614866482FB097EADB6190 File Hash: E3220ED2ACA24FFAB45B969A40C2B53659F98D2F13A0E8C3D2A45D678DE4B327	10-21-2020 05:04:01	Blacked	10-17-2020	11-05-2020	PA0002263387

Work	Hashes	UTC	Site	Published	Registered	Registration
36	Info Hash: 5954CA36DA9BD29C667D78C6FA6EE9CFB6C65806 File Hash: 9BB4B80B2874773C608A5E46747FAC0F93629D1C9636ED6CF313EA61221E810D	10-05- 2020 06:22:33	Vixen	07-18-2018	09-01-2018	PA0002119684